

SHER TREMONTE LLP

MEMO ENDORSED

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December 27, 2017

BY ECF

Hon. Katherine Polk Failla
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

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**Re: *Reuben v. SP Plus Corporation,*
No. 17-cv-5647 (KPF)**

Dear Judge Failla:

We represent Defendant and Counterclaim Plaintiff SP Plus Corporation and Counterclaim Plaintiff Central Parking System of New York, Inc. (the “SP Plus Parties”). We write pursuant to Your Honor’s Individual Rules of Practice to request a five-week extension of the discovery schedule.

The pretrial schedule for this case provided for the end of discovery 120 days following the September 29, 2017 initial conference. Under paragraphs 7(e) and 8(d) of the Civil Case Management Plan and Scheduling Order filed in this action (Dkt. No. 39), the deadline for the completion of fact discovery (including depositions of fact witnesses) is currently set for January 27, 2018.

We have been working diligently to meet this deadline, but there have been delays in written discovery. We were informed last week that the substantial majority of the documents that the plaintiff and counterclaim defendants (collectively “Counterclaim Defendants”) intend to produce is outstanding and that these documents were delayed due to technical issues.¹ That is, Counterclaim Defendants inform us they intend to produce thousands of pages of documents, compared to roughly 400 pages they have produced to date. That production is expected imminently. Other written discovery responses were also delayed or are still outstanding, and the parties have begun the process of meeting and conferring to address deficiencies. Some of the outstanding information is necessary for purposes of identifying non-party witnesses and preparing subpoenas. We are hopeful that the parties will be able to resolve the outstanding discovery issues without burdening

¹ The “Counterclaim Defendants” include plaintiff Gregg Reuben and counterclaim defendants Alliance Parking Services, LLC, Alliance C21 Parking LLC, Alliance DAG Parking, LLC, and Gregg M. Reuben, Inc.

Hon. Katherine Polk Failla

December 27, 2017

Page 2

the Court with motion practice. That said, we stand ready to provide any additional information requested by the Court.

In light of the scheduling considerations implicated by these developments, we respectfully request that the deadline for the completion of fact discovery (including depositions of fact witnesses) be adjourned roughly five weeks from January 27, 2018 until March 7, 2018. We further request that the deadline for serving Requests for Admission be adjourned five weeks from February 12, 2018 to March 19, 2018 and that the deadline for completion of expert discovery be adjourned from March 13, 2018 to April 2, 2018.

All parties consent to the requested extension of these dates, and no extension of these deadlines has previously been sought. A proposed order is enclosed. We thank Your Honor in advance for your attention to this request.

Respectfully submitted,

/s/ Kimo S. Peluso

Kimo S. Peluso

Enclosure

cc: Counsel of Record (via ECF)

Application GRANTED. The Court hereby ADJOURNS the deadline for the completion of fact discovery from January 27, 2018 to March 7, 2018; for serving Requests for Admission from February 12, 2018 to March 19, 2018; and for completion of expert discovery from March 13, 2018 to April 2, 2018. Accordingly, the Court also ADJOURNS the post-discovery conference, previously scheduled to take place on February 1, 2018, to **March 21, 2018, at 4:00 p.m.**, in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York. No further extensions will be granted.

Dated: December 28, 2017
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE